IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.11759 of 2002

WRIT PETITION No.15902 of 2002

WRIT PETITION No.18264 of 2002

WRIT PETITION No.18920 of 2002

WRIT PETITION No.19182 of 2002

WRIT PETITION No.19293 of 2002

WRIT PETITION No.19736 of 2002

WRIT PETITION No.19933 of 2002

WRIT PETITION No.22766 of 2002

W.P.No.11759 of 2002 :

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Between:

1 Ramesh Singh, S/o Balaji, R/o H.No.1-38, Nanakramguda

Village, Serilingampally Mandal, Ranga Reddy District.
2 Ashok Singh S/o Balaji, R/o H.No.1-38, Nanakramguda Village,

Serilingampally Mandal, Ranga Reddy District.
3 Rajeshkar Bai W/o Late Raju Singh, R/o H.No.1-38,

Nanakramguda Village, Serilingampally Mandal, R.R.Dist.
4 Suresh Singh S/o Balaji, R/o H.No.1-38, Nanakramguda

Village, Serilingampally Mandal, Ranga Reddy District.

..... PETITIONERS

AND

1 Deputy Collector & Mandal Revenue Officer,

Serilingampally Mandal, Serilingampally, Ranga Reddy District.
2 District Collector, Ranga Reddy Dist., Khairatabad, Hyderabad.
3 Andhra Pradesh Industrial Infrastructure Corporation Ltd.,

(APIIC Ltd.) Basheerbagh, Hyderabad, rep.by its Managing Director.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the impugned notice No.B/1979/2000-2 dt.17-4-02, issued by the 1st respondent as illegal, arbitrary violative of Fundamental Rights guaranteed by the constitution of India, null and void and set aside the same, and consequently direct the respondents not to dispossess the petitioners from their lands admeasuring
Ac.2-10 gts. comprised in Survey No.115/20,situated at Nanakramguda Village, Serilingampally Mandal, Ranga Reddy District.

Counsel for the Petitioners : MR.MOHD.ZIA-UL-HAQ

Counsel for Respondent Nos.1 & 2 : G.P. for Land Acquisition.

Counsel for the Respondent No.3 : MR.R.SUBBA RAO, SC

W.P.No.15902 of 2002 :

Between:

1 Fateh Singh S/o Prem Singh
R/o Nanakramguda (V), Serilingampally (M), R.R.Dist.
2 Chota Singh S/o Prem Singh
R/o Nanakramguda (V), Serilingampally (M), R.R.Dist.
3 Suseela Bai, W/o Late Motilal Singh,
R/o Nanakramguda (V), Serilingampally (M), R.R.Dist.

..... PETITIONERS

AND

1 Deputy Collector & Mandal Revenue Officer,

Serilingampally (M), R.R.Dist.
2 District Collector, Ranga Reddy Dist., Khairatabad, Hyderabad.
3 A.P. Industrial Infrastructure Corpn. Ltd., rep.by its

Managing Director, Basheer Bagh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or direction, more particularly one in the nature of Writ of Mandamus, declaring impugned notice No.B/1979/2000-1 dt.17-4-2002 issued by the 1st respondent as arbitrary, violative of fundamental rights guaranteed by the Constitution of India, null and void and set-aside the same, and consequently direct the Respondents not to dispossess the Petitioners from their lands admeasuring Ac. 2-10 Guntas comprised in Sy.No.115/19, situated at Nanakramguda (V), Serilingampally (M), R.R.Dist.

Counsel for the Petitioner:MR.MOHD.ZIA-UL-HAQ

Counsel for the Respondent No.1 & 2 : G.P. for Assignment.

Counsel for Respondent No.3 : R.Subba Rao, SC

W.P.No.18264 of 2002 :

Between:

1 R.Raja Ram Singh, S/o Balaji, R/o Nanak Ram Guda,

Sherilingampally Mandal, R.R.District.
2 R.Gokul Singh S/o Balaji, R/o Nanak Ram Guda,

Sherilingampally Mandal, R.R.District.
3 R.Kannayalal, S/o Balaji, R/o Nanak Ram Guda,

Sherilingampally Mandal, R.R.District.
4 R.Satyanarana Singh S/o Balaji, R/o Nanak Ram Guda,

Sherilingampally Mandal, R.R.District.

5 R.Jayaram Singh S/o Balaji, R/o Nanak Ram Guda,

Sherilingampally Mandal, R.R.District.
6 R.Bhagvan Singh S/o Balaji, R/o Nanak Ram Guda,

Sherilingampally Mandal, R.R.District.

..... PETITIONERS

AND

1 Deputy Collector Cum Mandal Revenue Officer,

Sherilingampally Mandal, Ranga Reddy District.
2 District Collector, Ranga Reddy District, Lakidi-Ka-Pool,

Hyderabad.
3 Andhra Pradesh Industrial Infrastructure Corporation Ltd.,

(APIIC LTD) Basheerbagh, Hyderabad, rep.by its
Managing Director.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the impugned Notices No.B/1970/2000-5 dt.17-4-2002 subsequent notice B/1979/2000, dt.5-9-2002, issued by the 1st respondent, as illegal violative of the Fundamental Rights guaranteed by the Constitution of India, null and void,and violation of provisions of Land Acquisition Act, and set aside the same, and consequently direct the respondents not to disposes the petitioners from their lands admeasuring
Ac.4.39 guntas comprised in Sy.No.115/25, situated at Nanakramguda village, Serilingampally Mandal, Ranga Reddy District.

Counsel for the Petitioners : MR.N.SAIDA RAO

Counsel for the Respondent No.1 & 2 : GP FOR ASSIGNMENT

Counsel for Respondent No.3 : R.Subba Rao, SC

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W.P.No.18920 of 2002 :

Between:

1 Seethal Singh S/o Late Laxman Singh
R/o Nanakramguda, Sherilingampally Mandal, R.R.Dist.
2 Nandu Singh S/o Late Laxman Singh
R/o Nanakramguda, Sherilingampally Mandal, R.R.Dist.
3 Gulab Singh, s/o. late Laxman Singh,
R/o Nanakramguda, Sherilingampally Mandal, R.R.Dist.

..... PETITIONERS

AND

1 Deputy Collector cum Mandal Revenue Officer,

Sherilingam- Pally Mandal, Ranga Reddy District.
2 District Collector, Ranga Reddy District,

Lakidi-ka-pool,Hyderabad.
3 Andhra Pradesh Industrial Ingrastructure Corporation Ltd.,

(APIIC LTD) Basheerbagh, Hyderabad, Rep.by its
Managing Director.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the impugned Notices No. B/1970/2000-3 dt.17-4-2002 subsequent notice B/1979/2000,dt.5-9-2002, issued by the 1st respondent, as illegal violative of the Fundamental Rights guaranteed by the

Constitution of India, null and void, and violation of provisions of Land Acquisition Act, and set aside the same, and consequently direct the respondents not to disposes the petitioner from their lands admeasuring Ac.4.39 guntas comprised in Sy.No. 115/25, situated at Nankramguda village, Serilingampally Mandal, Ranga Reddy District.

Counsel for the Petitioners : MR.N.SAIDA RAO

Counsel for the Respondent No.1 & 2 : GP FOR ASSIGNMENT

Counsel for Respondent No.3 : R.Subba Rao, SC

W.P.No.19182 of 2002 :

Between:

1 Mohan Singh S/o.Late Sajjan Singh
R/o.Nanakramguda village,serilingampally Mandal R.R.Dist.
2 Rajan Singh S/o.Late Sajjan Singh
R/o.Nanakramguda village,serilingampally Mandal R.R.Dist.
3 Bharat Singh S/o.Late Sajjan Singh
R/o.Nanakramguda village,serilingampally Mandal R.R.Dist.
4 Satyanarayana Singh S/o.Late Sajjan Singh
R/o.Nanakramguda village,serilingampally Mandal R.R.Dist.
5 Seetal Singh S/o.Late Sajjan Singh
R/o.Nanakramguda village,serilingampally Mandal R.R.Dist.
6 Raju Singh S/o.Late Sajjan singh
R/o.Nanakramguda village,serilingampally Mandal R.R.District.

...PETITIONERS

AND

1 The Deputy Collector & Mandal Revenue Officer,
Serilingampally Mandal, R.R.District.
2 The District Collector,
R.R.District at Khairtabad, Hyderabad.
3 Andhra Pradesh Industrial Infrastructure Corporation Ltd.,
Basheerbagh, Hyderabad, rep.by its Managing Director.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of the Writ of Mandamus declaring the action of the 1st respondent in issuing the impugned notice No.B/1979/2000-8, dt.5-9-2002 calling upon the petitioners to deliver the possession of the land within a week of receipt of the impugned notice without paying ***'Full Market value for the assigned land as compensation'*** *as arbitrary, illegal and violative of the* fundamental rights guaranteed to the petitioners U/Art, 14 and 21 of the constitution of India and issue the consequential direction to the respondents not to dispossess the petitioners in Sy.No.115/14 admeasuring Ac.5-00 gts., situated at

Nanakramguda village, Serilingampally Mandal, R.R.District.

(Highlighted portion of the prayer amended as per the Court order dated 20-9-2004 made in W.P.M.P.No.8877 of 2004)

Counsel for the Petitioners : MR.C.H.SIDDAIAH

Counsel for Respondent No.1 & 2 : GP FOR ASSIGNMENT

Counsel for Respondent No.3 : R.Subba Rao, SC

W.P.No.19293 of 2002 :

Between:

1 Kamal Singh S/o.Madari Singh
R/o.Nanakramguda village, Serilingampally Mandal, R.R.Dist.
2 Arjun Singh S/o.Madari Singh
R/o.Nanakramguda village, Serilingampally Mandal, R.R.Dist.

...PETITIONERS

AND

1 The Deputy Collector & Mandal Revenue Officer
Serilingampally Mandal R.R.Dist.
2 The District Collector, R.R.Dist at Khairtabad, Hyderabad.
3 Andhra Pradesh Industrial Infrastructure Corporation Ltd
Basheerbagh, Hyderabad Reep.by its Managing Director.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of the Writ of Mandamus declaring the action of the 1st respondent in issuing the impugned notice No.B/1979/2000-7, dt.17-04-2002 calling upon the petitioners to deliver the possession and the subsequent impugned Proceedings dt.5-9-2002 vide Procs. No.B/1979/2000 without paying the ***'Full Market value for the assigned land as compensation'*** as arbitrary, illegal and violative of fundamental rights guaranteed to the petitioners U/Art, 14 and 21 of the constitution of India and issue the consequential direction to the respondents not to dispossess the petitioners in Sy.No.115/30 admeasuring Ac.5-00 gts., situated at Nanakramguda village, Serilingampally Mandal, R.R.District.

(Highlighted portion of the prayer amended as per the Court order dated 20-9-2004 made in W.P.M.P.No.8709 of 2004)

Counsel for the Petitioners : MR.C.H.SIDDAIAH

Counsel for Respondent No.1 & 2 : GP FOR ASSIGNMENT

Counsel for respondent No.3 : R.Subba Rao, SC

W.P.No.19736 of 2002 :

Between:

Paramaiah S/o Radhaiah
R/o Nanakramguda (V), Serilingampally (M), R.R.Dist.

..... PETITIONER

AND

1 The Deputy Collector & Mandal Revenue Officer
Serilingampally (M), R.R.Dist.
2 The District Collector, Ranga Reddy District,
Khairatabad, Hyderabad
3 A.P. Industrial Infrastructure Corpn. Ltd., rep.by its

Managing Director, Basheer Bagh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ Order or direction, more particularly one in the nature Writ of Mandamus, declaring the action of the 1st respondent in issuing the impugned notice No.B/1979/2000-6 dt: 5-9-2002 calling upon the petitioner to deliver the possession of the land within a week of receipt of the impugned notice without paying compensation as required under G.O.Ms.No.1307 Revenue (Assignment-I) Dept., dt. 23-12-1993 as arbitrary, illegal and violative of the fundamental rights guaranteed to the petitioner U/Art. 14 and 21 of the Constitution of India and issue the consequential direction to the respondents not to dispossess the petitioner in Sy.No.115/10, admeasuring
Ac. 1-14 gts., situated at Nanakramguda (V), Serilingampally (M), R.R.Dist.

Counsel for the Petitioner : MR.C.H.SIDDAIAH

Counsel for the Respondent No.1 & 2 : GP FOR ASSIGNMENT

Counsel for respondent No.3 : R.Subba Rao, SC

W.P.No.19933 of 2002 :

Between:

Narayan Singh, S/o late Makhran Singh, R/o Nanakramguda Village,
Serilingampally Mandal, R.R.District.

..... PETITIONER

AND

1 The Deputy Collector & Mandal Revnue Officer,

Serilingampally Mandal, R.R.District.

2 The District Collector, R.R.District, Khairatabad, Hyderabad.
3 A.P.Industrial Infrastructure Corporation Ltd., Bhaseerbagh,

Hyderabad, rep. by its Managing Director.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in issuing the Notice No.B/1979/2000 dt.17-4-2002 calling upon the petitioner to deliver the possession and the subsequent impugned procs.No.B/1979/2000 dt.5-9-2002 without paying the ***'Full Market value for the assigned land as compensation'*** as arbitrary, illegal and violative of fundamental rights guaranteed to the petitioner U/Art. 14 and 21 of the Constitution of India and issue the consequential direction to the respondents not to dispossess the petitioner from the land in Sy.No.115/24 admeasuring Ac.4-31 gts., situated at Nanakramguda Village, Serilingampally Mandal, R.R.District

(Highlighted portion of the prayer amended as per the Court order dated 20-9-2004 made in W.P.M.P.No.8707 of 2004)

Counsel for the Petitioner : MR.C.H.SIDDAIAH

Counsel for Respondent Nos.1 & 2 : G.P. for Assignment.

Counsel for the Respondent No.3 : MR.R.SUBBA RAO, SC

W.P.No.22766 of 2002 :

Between:

Kundan Bai, W/o Sheetal Singh, R/o Nanakramguda Villge, Serlingampally Mandal, R.R.District.

..... PETITIONER

AND

1 The Dy.Collector & mandal Revenue Officer,

Serlingampally Mandal, R.R.Reddy.
2 The District collector, R.R.District, Kairatabad, Hyderabad.
3 A.P.Industrial Infrastructure Corporation Ltd., Bhasheerbagh,

Hyderabad, rep. by its Managing Director.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue a writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent in issuing the Notice No.B/1979/2000-7 dt.5-9-2002 calling upon the petitioner to deliver the possession of land within a week of receipt of the Impugned notice without paying the ***'Full Market value for the assigned land as compensation'*** as arbitrary, illegal and violative of fundamental rights guaranteed to the petitioner U/Art. 14 and 21 of the Constitution of India and issue the consequential direction to the respondents not to dispossess the petitioner from the land in Sy.No.115/5 admeasuring Ac.5-04 gts., situated at Nanakramguda Village, Serilingampally Mandal, R.R.District

(Highlighted portion of the prayer amended as per the Court order dated 20-9-2004 made in W.P.M.P.No.8708 of 2004)

Counsel for the Petitioner:MR.C.H.SIDDAIAH

Counsel for the Respondent Nos.1 & 2 : GP FOR ASSIGNMENT

Counsel for Respondent No.3 : R.Subba Rao, SC

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COMMON ORDER :

This order shall dispose of all the nine (9) writ petitions as they have similar back ground facts and the point raised therein is squarely covered by a recent Full Bench judgment of Seven learned Judges of this Court in **L.A.O.-cum-R.D.O., Chevella Division, Domalaguda, Hyd. v. M.Pandu.**

The petitioners claim that they are assignees of small extents of agricultural lands comprised in Survey Nos.115/1, 134**,** 115/21, 115/2B, 113, 115/23, 115/26, 115/17 and 115/18 situated at Nanakramguda village, Serilingampally Mandal, Ranga Reddy District, admeasuring total extent of Ac.60-16 gts. The Government, so as to establish Financial District, identified the said land. By G.O.Ms.No.411, Industries & Commerce (SSI) Department, dated 28-7-2001, as amended by subsequent orders vide G.O.Ms.No.86, Industries & Commerce Department,
dated 20-2-2002 decided to allot the land to Andhra Pradesh Industrial Infrastructure Corporation Limited (APIIC), third respondent in all the writ petitions. Thereafter, action was initiated by the Revenue officials for resumption of the land invoking the covenant in the assignment orders (pattas), which enables the State Government to resume the land for public purpose. On 17-4-2002 as well as on 5-9-2002, the Mandal Revenue Officer, Serilingampally Mandal, issued a notice to the assignees individually directing them to deliver possession of the land within a week from the date of receipt of a copy of the notice. The assignees were also informed that if they fail to do so, possession will be taken by authority. The notice also mentions the total extent of the land under occupation of each of the petitioners and the Survey Number in which such land is situated.

All the petitioners filed the writ petitions challenging the proceedings/notice issued by the Mandal Revenue Officer, as illegal and violative of Article 14 of the Constitution of India. Their main contention is that as per G.O.Ms.No.1307, Revenue (Assignment-I) Department, dated 23-12-1993, whenever the assigned land is resumed, Government has to pay the exgratia/compensation to them and in the absence of such payment, the impugned order cannot be sustained. This Court while admitting the writ petitions, passed interim orders ordering stay of dispossession while observing that it shall be open to the respondents to take possession after paying compensation/
exgratia to the assignees. Subsequently, in some of these writ petitions viz., Writ Petition Nos.19182, 19293, 19736, 19933 and 22766 of 2002 the petitioners have filed necessary applications seeking to amend the prayer whereby and whereunder

the petitioners seek writ of mandamus directing the respondents to pay the compensation as per the market value, as per the Full Bench judgment of this Court in **L.A.O. v. Pandu** (supra).

When the matters were heard, the learned standing counsel for APIIC Sri R.Subba Rao brought to the notice of this Court that in all the matters possession was taken by the Revenue Department after depositing the exgratia amount with the Deputy Collector/Mandal Revenue Officer of Serilingampally Mandal and that when the amount at the rate of Rs.2,00,000/- (Rupees two lakhs only) per acre was sent by way of cheque to the assignees, they refused to accept the cheque, and therefore, the amount is with the Mandal Revenue Officer, Serilingampally Mandal. There is a dispute, however, with regard to the possession of the land. Having regard to the fact that this Court, while passing interim orders, gave liberty to the respondents to take possession of the land after depositing exgratia amount and possession was taken by the Revenue officials under the cover of *Pachnama, t*here is no strong reason to disbelieve the version of the respondents.

In **L.A.O. v. M.Pandu** (supra), the Full Bench of this Court considered the question whether the assignees are entitled to payment of compensation and other benefits payable under the provisions of Land Acquisition Act, 1894 when the assigned lands are resumed by the Government for public purpose. Answering the question in the affirmative, this Court laid down as under.

> In the circumstances, we hold that the assignees of the Government lands are entitled to payment of compensation equivalent to the full market value of the land and other benefits on par with full owners of the land even in cases where the assigned lands are taken possession of by the State in accordance with the terms of grant or patta, though such resumption is for a public purpose. We further hold that even in cases where the State does not invoke the covenant of the grant or patta to resume the land for such public purpose and resorts to acquisition of the land under the provisions of the Land Acquisition Act,1894, the assignees shall be entitled to compensation as owners of the land and for all other consequential benefits under the provisions of the Land Acquisition Act, 1894. No condition incorporated in patta/deed of assignment shall operate as a clog putting any restriction on the right of the assignee to claim full compensation as owner of the land.

Initially, all the writ petitions were filed challenging the action of the respondents in resuming the land without paying compensation under the Executive orders. Even after amendment in some of the writ petitions, the petitioners are interested only to receive the compensation/exgratia equivalent to full market value as held by the Full Bench of this Court. Therefore, whether the possession is taken or not is insignificant, as the respondents do not deny the legal position enunciated by this Court in **L.A.O. v. M.Pandu** (supra).

In view of the settled legal position, all the writ petitions are disposed of directing respondents 1 and 2, and the Government of Andhra Pradesh to pay the

compensation to all the petitioners equivalent to full market value of the land and other benefits on par with full owners of the land. It is brought to the notice of this Court by Sri Ch.Siddaiah, learned counsel for the petitioners in some of the writ petitions, that the Government had acquired the land of the owners sometime last year. If that be so, the Government may also take into consideration the compensation fixed by the Land Acquisition Officer in those acquisition proceedings. Respondents shall take appropriate action for payment of market value to the petitioners, within a period of four months from the date of receipt of a copy of this order. The interim orders passed shall stands vacated. It shall be open to the Government to deal with the amount deposited by the APIIC appropriately. No costs.

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(V.V.S. RAO, J.)

20-09-2004.

Msr.

To

1 The Dy.Collector & mandal Revenue Officer,

Serlingampally Mandal, R.R.Reddy.
2 The District collector, R.R.District, Kairatabad, Hyderabad.
3 The Managing Director, A.P.Industrial Infrastructure

Corporation Ltd., Bhasheerbagh, Hyderabad.

4. Two CCs. to Government Pleader for Land Acquisition,

High Court Buildings, Hyderabad.

5. Two CCs. to Government Pleader for Assignment,

High Court Buildings, Hyderabad.

6. Two CDs.

HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.11759 of 2002

WRIT PETITION No.15902 of 2002

WRIT PETITION No.18264 of 2002

WRIT PETITION No.18920 of 2002

WRIT PETITION No.19182 of 2002

WRIT PETITION No.19293 of 2002

WRIT PETITION No.19736 of 2002

WRIT PETITION No.19933 of 2002

WRIT PETITION No.22766 of 2002

20-09-2004.

(Msr)